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PATENTS
CF/007R

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REISSUE APPLICATION

Application for Reissue of
Patent No. : 5,905,974

Issued : May 18, 1999

Patentees/
Reissue Applicants : Stuart A. Fraser et al.

For : AUTOMATED AUCTION PROTOCOL
PROCESSOR

Assignees : CANTOR FITZGERALD, L.P. and
CFPH, L.L.C

Box REISSUE
Hon. Commissioner
for Patents
Washington, D.C. 20231

REISSUE DECLARATION

Sir:

CANTOR FITZGERALD, L.P., a limited partnership organized and existing under the laws of the State of Delaware (hereinafter "CFLP"), and CFPH, L.L.C., a limited liability company organized and existing under the laws of the State of Delaware (hereinafter "CFPH"), are the joint assignees of the entire right, title and interest in and to the above-identified United States Letters Patent No. 5,905,974 as set forth in a certificate under 37 C.F.R. § 3.73(b) filed herewith.

I, as an undersigned representative of CFLP or CFPH, hereby declare that:

I am authorized to act on behalf of CFLP or CFPH (as indicated by my signature below);

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My name and title are indicated by my signature below;

I have reviewed and understand the contents of the attached reissue specification, including the claims, and verily believe that Stuart A. Fraser, Howard Lutnick, and Bijoy Paul are the original, first and joint inventors of the "AUTOMATED AUCTION PROTOCOL PROCESSOR" invention described and claimed in this reissue application and for which a reissue patent is sought;

I do not know and do not believe that said invention was ever known or used in the United States before the above-referenced invention thereof, or patented in any country before the above-referenced invention thereof, or more than one year prior to the December 13, 1996 filing date of United States Patent Application No. 08/766,733 which matured into Letters Patent No. 5,905,974 ("the '974 patent"), or in public use or on sale in the United States more than one year prior to said application filing date, and that the subject matter of Application No. 08/766,733, filed December 13, 1996, was not patented or made the subject of an inventor's certificate prior to said application filing date in any country foreign to the United States on any application filed by the inventors or their legal representatives or assigns more than twelve months before said application filing date;

I make this declaration under 37 C.F.R. § 1.175 in support of this application for reissue;

I believe the original '974 patent to be partly inoperative by reason of a defective specification or drawing, and by reason of the patentees claiming more or less than the patentees had the right to claim in the patent;

The specification is defective at least because it mis-defines which trading participants are "current workers" at column 8, lines 47-50;

All errors being corrected in this reissue application arose without any deceptive intention on the part of the inventors or assignees; and

I hereby acknowledge my duty to disclose to the Patent and Trademark Office information of which I am aware that is material to patentability of the claims of this reissue application in accordance with 37 C.F.R. § 1.56.

I hereby further declare that I understand the English language, and that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and the such willful false statements may jeopardize the validity of this reissue application or any reissue patent issued thereon.

CANTOR FITZGERALD, L.P.
One World Trade Center
New York, New York

By: 

Name: Howard W. Lutnick

Title: President and CEO

Date: May 16, 2001

CFPH, L.L.C.
One World Trade Center
New York, New York

By: 

Name: Howard W. Lutnick

Title: President and CEO

Date: May 16, 2001

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CERTIFICATE UNDER 37 C.F.R. § 3.73(b),
REVOCATION OF POWER OF ATTORNEY,
NEW POWER OF ATTORNEY, AND
CONSENT OF ASSIGNEES UNDER
37 C.F.R. § 1.172(a) TO REISSUE APPLICATION

Sir:

CANTOR FITZGERALD, L.P., a limited partnership organized and existing under the laws of the State of Delaware (hereinafter "CFLP"), and CFPH, L.L.C., a limited liability company organized and existing under the laws of the State of Delaware (hereinafter "CFPH"), hereby certify pursuant to 37 C.F.R. § 3.73(b) that CFLP and CFPH are the joint assignees of the entire right, title and interest in and to the above-identified United States Letters Patent No. 5,905,974, by virtue of an assignment from the inventors of Patent Application No. 08/766,733, filed December 13, 1996, which subsequently issued as U.S. Patent No. 5,905,974, to

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CANTOR FITZGERALD SECURITIES, a general partnership organized and existing under the laws of the State of New York (hereinafter "CFS"), and by virtue of an assignment from CFS to CFLP and CFPH. The assignment from the inventors to CFS was recorded in the Patent and Trademark Office at Reel 8612, Frames 0441-0444. The assignment from CFS to CFLP and CFPH was recorded in the Patent and Trademark Office at Reel 010188, Frames 0419-0422.

CFLP and CFPH, as joint assignees, hereby revoke all powers of attorney heretofore existing in the '974 patent, and hereby appoint Jeffrey H. Ingerman, Reg. No. 31,069 and Matthew T. Byrne, Reg. No. 40,934 as their principal attorneys of record in the '974 patent, with full power of substitution and revocation including the power to appoint associate attorneys and to revoke their powers, and to transact all business in the Patent and Trademark Office pertaining to the '974 patent.

The Patent and Trademark Office is respectfully requested to direct all correspondence and telephone calls to:

Matthew T. Byrne
Fish & Neave
Customer No. 1473
1251 Avenue of the Americas
New York, NY 10020
Tel.: (212) 596-9000

CFLP and CFPH, as joint assignees, hereby consent to the accompanying application for reissue of said United States Letters Patent No. 5,905,974.

Each of the undersigned hereby states and certifies that:

1. The undersigned's title is as supplied below and the undersigned is authorized to act on behalf of the indicated joint assignee in connection with the above-identified patent and reissue application; and

2. The relevant evidentiary documents have been reviewed and, to the best of the undersigned's and the

indicated joint assignee's knowledge and belief, title to the above-identified Patent No. 5,905,974 is in CFLP and CFPH.

We hereby declare that all statements made herein of our own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the '974 patent and the reissue application or any patent issuing thereon.

Signed in New York, in the County of New York and State of New York this 16th day of May, 2001.

CANTOR FITZGERALD, L.P.
One World Trade Center
New York, New York

By: 

Name: Howard W. Lutnick

Title: President and CEO

CFPH, L.L.C.
One World Trade Center
New York, New York

By: 

Name: Howard W. Lutnick

Title: President and CEO